

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

JASON KEITH SMITH

Case No.

Defendant(s)

13-70031

CRIMINAL COMPLAINT

HRL

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 3-7, 2012 in the county of San Benito in the
Northern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. Section 875(c)

Interstate Communications (Threat)

This criminal complaint is based on these facts:

Please see attached affidavit

☐ Continued on the attached sheet.

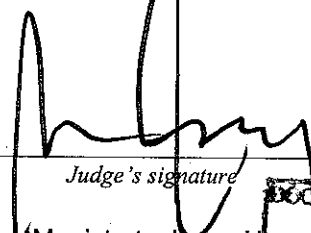
 Complainant's signature

 FBI Special Agent Gail Paresa
 Printed name and title

Sworn to before me and signed in my presence.

Date:

1/14/13

City and state: San Jose, California

 Judge's signature

 United States Magistrate Judge Howard R. Lloyd
 Printed name and title

DOCUMENT NO.	CS-14-00090-LHK
DATE	1/14/13
DISTRICT COURT CRIMINAL CASE	

AFFIDAVIT OF FBI SPECIAL AGENT GAIL PARESA
IN SUPPORT OF CRIMINAL COMPLAINT

1. I, Gail Paresa, a Special Agent with the Federal Bureau of Investigation (FBI), being first duly sworn, hereby depose and state as follows,

INTRODUCTION

2. I am a Special Agent with the Federal Bureau of Investigation (FBI). I have been employed as a Special Agent since May of 1990, and am presently assigned to Monterey Bay Resident Agency of the San Francisco Division of the FBI. As a Special Agent, I am authorized to investigate crimes involving interstate communications, extortion, and other complex crimes. I have successfully completed 16 weeks of criminal investigative training at the FBI Academy in Quantico, Virginia, which included training in crimes of violence. Prior to becoming an FBI Special Agent, I was employed as a police officer for approximately four years. Through my training and experience, as well as discussions with other agents, I have become knowledgeable in the methods employed to commit violent crimes. The information set forth in this affidavit is based on my personal knowledge and that which has been provided to me by other investigators.
3. This affidavit contains information necessary to establish probable cause in support of this Complaint. It is not intended to include every fact known to me or the Government. The information is based on my personal knowledge and observations during the investigation, information conveyed to me by other law enforcement and government officials, and by my review of documents and other physical evidence obtained during the investigation.
4. As set forth below, there is probable cause to believe that Jason Smith used his cellular telephone to transmit in interstate commerce numerous bomb threats and threats to injure the staff and students at the San Benito High School in Hollister, California, in violation of Title

18, United States Code, Section 875(c) (Interstate Communications of a Threat).

OVERVIEW

5. My investigation has determined that the defendant, Jason Keith Smith, a twenty-seven year old resident of Lincoln Park, Michigan, in early December 2012, telephoned numerous bomb threats to the San Benito High School in Hollister, California. Smith claimed during his bomb threats that there was a bomb hidden in the school and that he would blow the school to pieces. Because of these bomb threats, the students were evacuated on December 3, 2012, and locked down on December 4, 2012. Smith called in these bomb threats after his repeated failed attempts to reach an individual identified for purposes of this affidavit as "Jane Doe." Jane Doe, age 16, is a juvenile female who attends the San Benito High School. Smith had a preexisting online relationship with Jane Doe on the social networking sites, Facebook.com and Funformobile.com. Smith has admitted to making the bomb threats during two separate non-custodial interviews with federal and state law enforcement. Telephone records obtained during the course of the investigation also corroborate that Smith made calls to the San Benito High School at the time of the bomb threats.

FACTS SUPPORTING PROBABLE CAUSE

Introduction

6. Jane Doe is a sixteen year old student who attends the San Benito High School located at 1220 Monterey Street in Hollister, California. Doe has told the Hollister Police Department that prior to December 2012, she had a year-long texting relationship with Jason Smith that included "sexting" (the exchange of sexually explicit pictures and videos). At one point during the year-long relationship, Smith asked Doe to be his girlfriend, but Doe declined because she was only sixteen. Doe indicated that she contacted Smith mainly through the

website Funformobile.com which she accessed through her cell phone.

7. Doe has indicated that within the last few months, Smith's interactions with her became increasingly harassing and abusive. Doe then unsuccessfully sought to end communication with Smith. In November of 2012, Smith contacted Doe on the social website Facebook.com. According to Doe, Smith's Facebook page listed that he lived in Lincoln Park Michigan, his middle name was "Keith", and his cell phone number was (313) 748-5651. Doe's Facebook page was public and listed her cell phone number and the fact that she attended the San Benito High School. Smith called Doe's cell phone using a phone number from the Detroit (313) area code. Smith told Doe that if she did not answer or respond to his messages he was going to come over and hurt her.
8. Around the same time, Doe received an anonymous text message from another number from the Detroit (313) area code that she did not recognize. The sender of the text message claimed to be a police detective and stated that Doe needed to call the number back within 35 minutes or the sender was "going to take action." A few minutes later she received another text message from the same phone number that read, "Oh hi, how are you doing." Doe did not respond to these messages, and the sender continued to send Doe messages threatening her friends and family. Doe received a contemporaneous internet message on Funformobile.com telling her, "I will find you and your family and I will not let go and till I do something to totally hurt someone so if you do not want me to go you best give me a call tonight you better talk to me."
9. On December 1, 2012, at approximately 3:50 p.m., a male caller identifying himself as "Jason Smith" called the San Benito High School telephone attendance line and left a message asking for student Jane Doe to please call him at the phone number (313) 748-5651. Smith initially wanted to speak to Doe but became agitated when school officials would not allow him to

Speak to her.

10. On December 2, 2012, at an unknown time, the same individual called again claiming to be a police detective looking for Jane Doe. Attendance Secretary Cheri Cosio heard both the December 1st and 2nd phone calls. On December 3, 2012, at approximately 1:00 p.m., the same male caller again called Secretary Cosio asking for Doe. The male caller again identified himself as a police detective, stated Jane Doe was in trouble with the law, and requested she contact him. Cosio believed it may have been a recording because when she attempted to interrupt the person to ask questions, the voice continued to speak and then the call ended.

Smith's Bomb Threats to San Benito High School

11. On December 3, 2012, within an hour of the 1:00 p.m. message purporting to be from a police detective, the same individual left a telephone bomb threat message for the San Benito High School. Principal Lomanto informed the Hollister Police Department that the bomb threat was left on the attendance message line (831) 637-5831 extension 105. The caller stated that someone brought a bomb into the school and it was hidden in the bathroom. The message was left on the attendance message line at approximately 2:00 p.m. hours and retrieved by high school staff about an hour and a half later. The caller repeatedly stated to get everyone out there is a bomb in the school. The students were evacuated, the bathrooms were searched, and nothing was found.
12. On December 4, 2012, San Benito High School officials determined that multiple bomb threats messages had been left the previous afternoon and evening on the same attendance message line and the caller had attempted to alter his voice. The male caller who left these messages repeatedly threatened that there was a bomb in the San Benito High School and that people should run and hide. The caller stated that he would either detonate the bomb in 62

hours or 48 hours, or if the caller was in a rush, he would detonate the bomb that night. The caller stated that no one knew where he placed the bomb, but he would blow the school up and blow the school to pieces, that he was not joking, and that he wanted to push the button real bad. During one message, the caller stated if I were you, I would "pack my bags" and "get the fuck out." The caller also stated, "And by the way, I want you to look up this one chick named [Jane Doe]. If she goes to school there, please let her know that I am watching her."

13. Another telephone bomb threat was made to the San Benito High School on December 4, 2012, at approximately 10:30 a.m. The caller made comments indicating the school had not located the bomb. The school was immediately placed in lockdown upon discovery of the telephone calls.
14. On December 7, 2012, at approximately 11:30 a.m., the San Benito High School received another bomb threat. The caller stated he went to the San Benito school and put a bomb in the school today.
15. Law enforcement's investigation has determined that Jason Smith used the phone number **(313) 748-5651** to make numerous bomb threats to the San Benito High School. Law enforcement's conclusion is based in part on the following evidence:
 - Jane Doe told law enforcement that she had been communicating with Smith on that same number, and she knew it to be Jason Smith's cell phone number,
 - The male caller who was stalking Doe left the telephone number **(313) 748-5651** as a callback number for San Benito High School staff during the times he was requesting to speak with Doe,
 - Smith listed the number **(313) 748-5651** on his Facebook page,

- Smith knew Doe attended the San Benito High School because she had posted that information on her Facebook page,
 - During an interview of Smith by officers of the Lincoln Park Police Department (Lincoln Park, Michigan) on December 7, 2012 (summarized below) Smith and his father acknowledged that Smith had access to the phone number **(313) 748-5651**. Smith also admitted during this interview that he left threatening messages at Jane Doe's high school.
16. According to the San Benito High School Facilities Manager Rob Zimmerman, the San Benito High School phone system does not have caller ID.
17. On December 4, 2012, the Hollister Police Department obtained a Pen Register/Trap and Trace Order from the San Benito County Superior Court for the phone number **(313) 748-5651**.
18. On December 7, 2012, pursuant to the December 4, 2012, pen register, the Hollister Police Department obtained Metro PCS cellular call detail records for the cell phone number **(313) 748-5651**. The records included call details for the time period December 1, 2012, through December 7, 2012. The subscriber was identified as Lonnie Smith of Lincoln Park, Michigan. Law enforcement's investigation has determined that Lonnie Smith is Jason Smith's father, and that they reside together at a residence in Lincoln Park, Michigan.
19. Law enforcement's analysis of telephone records demonstrates that Smith used his cell phone number **(313) 748-5651** to make numerous calls to Jane Doe's cell phone number from December 1, 2012, through December 3, 2012, but none after that date. Jane Doe has told law enforcement that she shut off her cell phone on December 4, 2012.
20. Law enforcement's review of the telephone records related to Smith's phone number **(313) 748-5651** confirm that dozens of phone calls were made from that phone number to the San Benito High School between December 1st and December 7th, 2012. Telephone records

confirm that in at least five instances, telephone calls were made from Smith's telephone number to the San Benito High School at approximately the same time as the bomb threats.

21. Telephone records confirm that the telephone calls made from Smith's phone number to the San Benito High School identified in the prior paragraph were preceded by "*67," which I know from my training and experience to be a numerical code that can be used to hide a caller's identification so that it will show up as a private number to the person answering the call. According to call detail records obtained from Metro PCS, all of these telephone calls described above originated from cell switch "Detroit2", located in the State of Michigan, and were called into the number for the San Benito High School, in Hollister, California.

Smith's Subsequent Contacts with Jane Doe

22. On December 6, 2012, Jane Doe walked into the school office and met with Principal Lamanto, Attendance Secretary Cosio, and Hollister Police Officer Chris Wells. Doe indicated that Jason Smith had sent her approximately 17 messages via Facebook.com during the night of December 5, 2012, and the morning of December 6, 2012. Doe allowed Lamanto and Wells to review and print the messages from her cell phone.
23. In the Facebook messages, Smith asked Jane Doe not to block him. He told her he loved her. Smith claimed that his brother made the bomb threat at her school and he was sorry. Smith wrote messages to Doe expressing significant anger and jealousy towards Doe having found out she had a boyfriend. Smith sent a message referencing his desire to travel to California to see Doe ("You couldn't give me a couple more months to add up money so I can go up there to see you").
24. As the messages progressed, Smith grew angrier and threatened to assault Doe and her family ("U was in the park today eating ice cream with that faggot well im coming down hun there's gonna be hell when i get thwere" and "if you do not call me tonight i will go down and se you

myself and if ur fam bam wants to go at it they can i dont care [Doe] ill whoop there asses all over hollister.”).

25. San Benito High School Attendance Secretary Cosio told law enforcement that Smith called the school on December 6, 2012, at approximately 8:30 a.m. hours, asking to speak to Jane Doe. Smith called the school approximately an hour later and indicated that he was in Doe's hometown. Concerned that Smith was in town and would carry out his bomb threat, police officers and San Benito High School staff members unsuccessfully attempted during that conversation to convince Smith to reveal his location.
26. On December 6, 2012, at approximately 1100 hours, Doe placed a recorded phone call, under police supervision, to Smith. Doe dialed Smith's number (313) 748-5651, and spoke with Smith. During the call, Smith told Doe he would break her new boyfriends face. Smith told Doe to “watch out” and tell her boyfriend to “watch out” as well. Doe asked Smith if he was in “town” (Hollister), but Smith refused to answer. Smith told Doe he knew where she lived and wanted to confuse her as to his whereabouts. Smith stated he would wear a disguise.
27. On December 7, 2012, Smith updated his Facebook page to indicate that he was in Hollister, California.

Law Enforcement's Interviews with Jason Smith

28. On December 7, 2012, at the request of the Hollister Police Department, the Lincoln Park, Michigan, Police Department sent Sergeant Donald Mandell and other officers to the residence of Jason Smith in Lincoln Park, Michigan. According to Sgt. Mandell, Smith appeared to be a handicapped individual who was being taken care of by his parents.
29. Smith was interviewed at his home in a non-custodial setting in the presence of his father, Lonnie Smith. According to Mandell, Jason Smith admitted to making the bomb threats to Jane Doe's high school and apologized. Lonnie Smith indicated that he would take away the

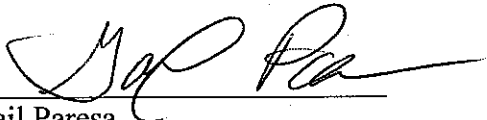
three cell phones that Smith had access to (313-748-5651, 313-600-8953, and 313-740-8251).

Jason Smith told police he would not do it again.

30. On December 10, 2012, FBI Agents from the Detroit Division contacted Jason Smith at his residence. They interviewed him in a non-custodial setting with his father (Lonnie Smith) present. Smith initially denied everything, but later admitted to calling Jane Doe's high school in California at least ten times, and leaving several threatening voice messages. Smith recalled Doe's cell phone number from memory, and claimed to be sad and angry regarding Doe's attempts to break off communications.
31. Smith admitted that he called Jane Doe's high school posing as a Michigan State police detective in an attempt to influence school officials to put Jane Doe on the telephone. Smith stated that after being contacted by Lincoln Park Police, he intentionally "reset" his cell phone, erased his call history, contact list, and any saved pictures.
32. On December 10, 2012, FBI agents in Hollister, California, contacted Jane Doe who advised that at 11:00 p.m. on December 7, 2012, she received a message from Smith on her funformobile.com account. The message was received after Smith had been contacted by the Lincoln Park Police. Smith wrote, "Hello sweetie how are you hi im still up never got arrested who won now honey revenge is a b... I hope you enjoy your day and your night I love you☺."

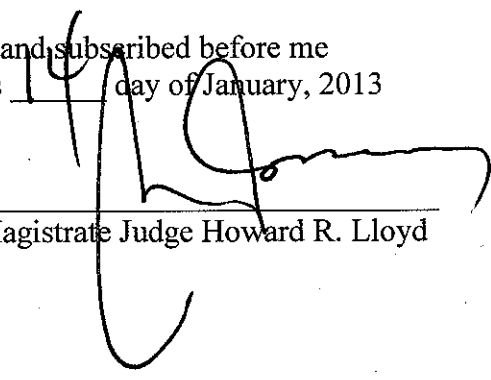
CONCLUSION

33. Based on the above information contained in this affidavit, I believe there is probable cause to believe that the defendant Jason Keith Smith made numerous bomb threats (and threats to injure) to the San Benito High School in California, from his home in Michigan, in violation of Title 18, United States Code, Section 875(c).



Gail Paresa
Special Agent, Federal Bureau of Investigation

Sworn and subscribed before me
On this 14 day of January, 2013



U.S. Magistrate Judge Howard R. Lloyd

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

18 U.S.C. Section 875(c) - Interstate Communications (Threat)

 SEaled BY ORDER
 OF THE COURT

☐ Misdemeanor
☒ Felony
PENALTY:
 Five Years Imprisonment, \$250,000 fine, Three Years Supervised
 Release, \$100 Special Assessment

Name of District Court, and/or Judge/Magistrate Location

 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

DEFENDANT - U.S.

JASON KEITH SMITH

DISTRICT COURT NUMBER

13-70031

HRL

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI SPECIAL AGENT GAIL PARESA

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

JOSEPH FAZIOLI

DEFENDANT**IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments: